

COMMUNITY AFFAIRS

Division Of Codes And Standards New Jersey State Housing Code Proposed Readoption: N.J.A.C. 5:28

Authorized By: Susan Bass Levin, Commissioner, Department of Community
Affairs.

Authority: N.J.S.A. 2A: 42-76

Proposal Number: PRN 2005-

Calendar: Reference: See Summary below for explanation of exception to calendar
requirement

Submit written comments by April 22, 2005 to:

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SUSAN BASS LEVIN, Commissioner

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the New Jersey State Housing Code, N.J.A.C. 5:28, is scheduled to expire on January 5, 2006. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted.

The New Jersey State Housing Code is a model code for municipalities seeking to implement N.J.S.A. 2A:42-74 et seq. and 2A:42-85 et seq. and to otherwise enforce habitability standards in all dwellings. When adopted by municipal ordinance, the provisions of this code are enforced by local health or housing officials.

Standards of habitability established by this model code include those for water supply, plumbing facilities, garbage and rubbish storage, lighting, ventilation, heating equipment, exitways, general maintenance, use and occupancy of space, and responsibilities of owners and occupants. If adopted by a municipality, these standards would apply to owners and occupants of housing within that municipality.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

When adopted by municipal ordinance, the State Housing Code provides standards for protection of the health and safety of residents of the adopting municipality. Municipalities benefit from having a model code based on validated standards that is readily available for use. Failure to readopt this chapter would leave municipalities

without the ability to adopt this code by reference and to use N.J.S.A. 2A:42-74 et seq. and 2A:42-85 et seq. to deal with owners whose properties have serious code violations.

Economic Impact

Residential property owners in municipalities that adopt the State Housing Code are required to maintain their properties in compliance with it. Having this model code available for adoption saves time and money for municipalities seeking to establish basic housing maintenance standards. Failure of a municipality to adopt and enforce a housing maintenance code can lead to deterioration of the housing stock and resultant losses in property values.

Federal Standards Statement

No Federal standards analysis is required because this rule is not being readopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The need to comply with the State Housing Code may generate maintenance jobs in municipalities that have adopted it by ordinance.

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of these rules.

Regulatory Flexibility Statement

Many of the owners of housing subject to the State Housing Code are "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. In the event of noncompliance, building owners may need to hire electricians, plumbers or other contractors to correct violations. Since the rules are necessary to protect health and safety, no lesser or differing standards can be established for "small businesses."

Smart Growth Impact

By encouraging the proper maintenance and preservation of the existing housing stock, the State Housing Code advances the goals of achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:28.